

EXECUTIVE SUMMARY

Approve an Agreement for Sale and Purchase for 4.84 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$137,700 (Devisse Tr.).

OBJECTIVE: Request approval of the attached Agreement for Sale and Purchase (Agreement) between the Board of County Commissioners (Board) and Virginia Anne Devisse, Trustee of the Virginia Anne Devisse Trust Date December 22, 1990 (Seller).

On January 27, 2009, Agenda Item 10E, the Board approved a Collier Conservation Land Acquisition Advisory Committee (CCLAAC) recommended Active Acquisition List, with changes, and directed staff to actively pursue acquisition of the properties under the Conservation Collier Program.

The Seller's property contains a total of 4.84 acres and is located within Section 30, Township 48 South, Range 27 East in an area known as the Rivers Road Properties. The Rivers Road Properties are located south of Immokalee Road. In accordance with the approved Conservation Collier Purchasing Policy, the purchase price of \$135,000 was based upon one independent, state-certified general real estate appraisal firm.

The attached Agreement provides that should the County elect not to close this transaction for any reason, except for default by the Seller, the County will pay the Seller \$675 in liquidated damages.

Pursuant to Ordinance 2007-65, Section 13(8), a Project Design Report for the property is provided herewith.

FISCAL IMPACT: The total cost of acquisition will not exceed \$137,700 (\$135,000 for the property, \$1,500 for the appraisal, and approximately \$1,200 for the title commitment, title policy, and recording of documents). The funds will be withdrawn from the Conservation Collier Trust Fund (172). As of February 8, 2010, property costs for Conservation Collier properties, including this property and those under contract, total \$<>. Estimated costs of maintenance in perpetuity have been considered by the CCLAAC and have been incorporated into the Conservation Collier Long Term Financial Management Plan.

GROWTH MANAGEMENT IMPACT: Fee simple acquisition of conservation lands is consistent with and supports Policy 1.3.1(e) in the Conservation and Coastal Management Element of the Collier County Growth Management Plan.

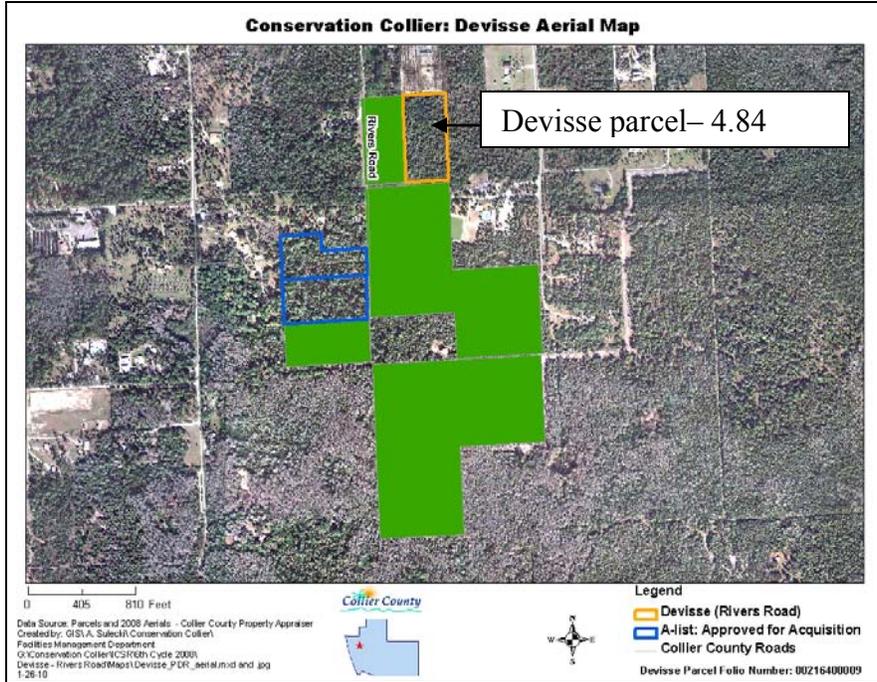
LEGAL CONSIDERATIONS: This item has been reviewed and approved by the County Attorney's Office and is legally sufficient. - JBW

RECOMMENDATION: Staff is recommending that the CCLAAC:

1. Approve the attached Agreement; and
2. Recommend to the Board approval and authorization for the Chairman to execute the Agreement on behalf of the Board.

PREPARED BY: Cindy M. Erb, SR/WA, Senior Property Acquisition Specialist, Real Property Management, Department of Facilities Management

**Conservation Collier Land Acquisition Program
Project Design Report
Date: February 8, 2010**



Property Owner: Virginia Anne Devisse, Trustee of the Virginia Anne Devisse Trust
UTD 12/22/90

Folio: 00216400009

Location: Between Rivers Road and Moulder Drive, south of Immokalee Road, Section 30, Township 48, Range 27, Collier County

Size: 4.84 acres

Appraisal/Offer Amount: \$ 135,000

History of Project:

Received application	Selected for the "A" category, #1 priority, on the Active Acquisition List by CCLAAC	Approved for purchase by BCC	Purchase offer made to owners	Offer Accepted
2/7/08	12/8/08	1/27/09	1/4/10	1/11/10

Purpose of Project: Conservation Collier

Program Qualifications:

The Devisse Trust parcel is a 4.84 acre addition to seven previously acquired parcels totaling 62.98 acres now known as the Rivers Road Preserve, acquired in 2009 as a result of Conservation Collier's Acquisition Cycle Five (5). The acquisition of the Devisse Trust parcel will bring the total size of the Rivers Road Preserve acreage to 67.82 acres. Conservation Collier is currently evaluating, within Acquisition Cycle 8, two additional offerings of parcels adjacent to this preserve. The Devisse Trust parcel was evaluated by the Conservation Collier Land Acquisition Advisory Committee and found to fulfill program qualifications by satisfying all applicable screening criteria, including presence of native habitat, potential for nature-based recreational and educational opportunities, protection of water resource values and wetland dependent species habitat, presence of significant biological/ecological values, listed species habitat, connectivity and restoration potential.

The Devisse Trust parcel contains 100% hydric soils, supporting numerous species of wetland dependent plants. Two types of native vegetative communities have been identified on the parcel using Geographical Information Systems (GIS) mapping and staff observation: cypress-pine-cabbage palm and cypress. One species of listed Bromeliads was found on the property. The parcel also contains significant exotic plant infestation, constituting between 25% and 50% of plant cover, with Brazilian pepper and Melaleuca being the primary concerns and Caesar weed and para-grass being minor concerns.

In regard to protection of water resources, this area is GIS mapped as one of the highest areas for recharge in Collier County to the Lower Tamiami (21-102 inches annually) and surficial aquifer (56-67 inches annually). Acquisition of the Devisse Trust parcel will offer opportunities for protection of water resource values, including a quifer recharge protection of wetland dependent species habitat and flood control.

Many native species of birds, including hawks, woodpeckers and wild turkey have been observed by staff during site visits in this area. The habitat found on the Devisse Trust parcel would support the presence of listed bird species including snowy egret, little blue heron, white ibis, tri-colored heron and wood stork. Deer and a cottonmouth snake were also observed locally by staff. There is photographic evidence of the presence of Florida black bear and Florida Fish and Wildlife Conservation Commission telemetry data documenting use of the area by Florida panthers.

Currently, there exists a forested ecological link from The Rivers Road Preserve, which would include the Devisse Trust parcel, northward under Immokalee Road via underpass, through a preserve area in the Twin Eagle development to Bird Rookery Swamp, Corkscrew Swamp Sanctuary and the Corkscrew Regional Ecosystem Watershed lands. To the east and directly adjoining the Rivers Road Preserve is a future conservation corridor negotiated via private sector agreements between the Florida Wildlife Federation and Bonita Bay Properties, the land owner. Adjoining to the south are preserve lands belonging to the Olde Florida Golf Club. Acquisition of the Devisse Trust parcel would increase the size of existing contiguous conservation lands and expand private sector efforts to protect a forested corridor that is heavily used by wildlife.

The parcel can be accessed through the existing Rivers Road Preserve via Rivers road, a private unpaved road on the south side of Immokalee Road, across from the Twin Eagle Development. There are opportunities at this preserve for public recreation such as hiking, wildlife photography, bird watching and environmental education for school age children. The current zoning designation is Agriculture with a Mobile Home Overlay (A-MHO) and this area is designated as “receiving” lands under the Rural Fringe Mixed Use District Transfer of Development Rights Program.

Projected Management Activities:

No hydrologic changes are necessary to sustain wetland characteristics. Projected management activities include removal of invasive, exotic plants and evaluation of the parcel for placement of trails and, if funding permits, an elevated boardwalk that could lead to an observation deck. An elementary school is scheduled to open in 2011, just to the north and east, on Moulder Drive. A limited number of visitors can already park along the unpaved Rivers Road, but a parking area could be developed in the future. The Rivers Road Preserve does have a partially cleared area on another parcel that would be ideal for development of a public parking area.